

**ORDINANCE NO. 2019-10**

**AN ORDINANCE TO AMEND WAYNE MUNICIPAL CODE, TITLE VIII GENERAL OFFENSES, CHAPTER 132 OFFENSES AGAINST PUBLIC HEALTH AND SAFETY, SECTION 132.04 FIREWORKS DISCHARGE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

BE IT ORDAINED by the Mayor and Council of the City of Wayne, Nebraska:

Section 1. That Title VIII General Offenses, Chapter 132 Offenses Against Public Health and Safety, Section 132.04 of the Municipal Code of Wayne, Nebraska, is hereby amended to read as follows:

**§ 132.04 FIREWORKS DISCHARGE.**

(A) It shall be unlawful for any person to discharge, fire, launch or throw any fireworks or any object, which is lighted to explode or which explodes upon contact with another object:

- (1) From or onto any motor vehicle;
- (2) Onto any street, highway or sidewalk;

(3) During any pyrotechnics display authorized by special permit under the ordinances of the municipality and when the special permit authorized the display to be held on city property, no lawfully permitted fireworks shall be exploded in the said city property during the time of said pyrotechnics display, except by personnel authorized by said special permit;

- (4) At or near any persons;
- (5) Into or upon any building;
- (6) Into or at any group of persons; and/or
- (7) At or upon the premises of another person.

(B) The discharge or exploding of fireworks within the municipality shall be permitted only on the following dates and during the following hours:

- (1) June 25 through July 3: 8:00 a.m. to 11:00 p.m.;
- (2) July 4: 8:00 a.m. to midnight; and
- (3) Any other times allowed by special permit.

(C) The discharge and exploding of fireworks within the municipality on any dates or times other than set out in this section shall be unlawful. **The Mayor, in his/her discretion, may extend the final discharge day if extenuating circumstances prevent or limit the discharge of fireworks on July 4<sup>th</sup>.**

(D) The Mayor, in the event of extreme drought conditions, shall have the authority to make an emergency declaration banning the discharge of fireworks within the city. Said emergency declaration shall have the force of law and violations of the same shall be punishable as set forth in § 10.99 of this code. (2002 Code, § 22-113) (Ord. 2002-13, passed 8-27-2002) Penalty, see § 10.99

Section 2. Any and all provisions of the Wayne Municipal Code in conflict with this Ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 3<sup>rd</sup> day of September, 2019.

THE CITY OF WAYNE, NEBRASKA,

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk